

27 6. Any person confined in any penal or corrective institution of the Commonwealth or any of its
28 political subdivisions or admitted to a state hospital or training center operated by the Department of
29 Behavioral Health and Developmental Services;

30 7. Any person employed by a summer camp for boys, girls, or both boys and girls;

31 8. Any person under the age of 16, regardless of by whom employed;

32 9. Any person who is paid pursuant to 29 U.S.C. § 214(c) of the Fair Labor Standards Act of 1938,
33 as amended;

34 10. Students participating in a bona fide educational program;

35 11. Any person who is less than 18 years of age and who is currently enrolled on a full-time basis
36 in any secondary school, institution of higher education, or trade school, provided that the person is not
37 employed more than 20 hours per week;

38 12. Any person of any age who is currently enrolled on a full-time basis in any secondary school,
39 institution of higher education, or trade school and is in a work-study program or its equivalent at the
40 institution at which he is enrolled as a student;

41 13. Any person who works as a babysitter for fewer than 10 hours per week;

42 14. Any person participating as an au pair in the U.S. Department of State's Exchange Visitor
43 Program governed by 22 C.F.R. § 62.31;

44 15. Any individual employed as a temporary foreign worker as governed by 20 C.F.R. Part 655;
45 and

46 16. Any person who is exempt from the federal minimum wage pursuant to 29 U.S.C. § 213(a)(3).

47 "Employer" includes any individual, partnership, association, corporation, or business trust or any
48 person or group of persons acting directly or indirectly in the interest of an employer in relation to an
49 employee. "Employer" includes the Commonwealth, any of its agencies, institutions, or political
50 subdivisions, and any public body.

51 "Federal minimum wage" means the minimum wage or, if applicable, the federal training wage
52 prescribed by the U.S. Fair Labor Standards Act, 29 U.S.C. § 201 et seq.

53 "Home care provider" means an individual who provides (i) home health services, including
54 services provided by or under the direct supervision of any health care professional under a medical plan
55 of care in a patient's residence on a visit or hourly basis to patients who have or are at risk of injury, illness,
56 or a disabling condition and require short-term or long-term interventions, or (ii) personal care services,
57 including assistance in personal care to include activities of a daily living provided in an individual's
58 residence on a visit or hourly basis to individuals who have or are at risk of an illness, injury, or disabling
59 condition.

60 "Tipped employee" means an employee who in the course of employment customarily and
61 regularly receives tips totaling more than \$30 each month from persons other than the employee's
62 employer.

63 "Wages" means legal tender of the United States or checks or drafts on banks negotiable into cash
64 on demand or upon acceptance at full value. "Wages" includes the reasonable cost to the employer of (i)
65 furnishing meals and lodging to an employee if, provided that such board or lodging is customarily
66 furnished by the employer and used by the employee, and (ii) providing payments for health care benefits
67 to an employee, provided that the employee is paid a cash wage at a rate not less than the greater of (a)
68 \$11.00 per hour or (b) the federal minimum wage.

69 B. In determining the wage of a tipped employee, the amount paid such employee by his employer
70 shall be deemed to be increased on account of tips by an amount determined by the employer, except in
71 the case of an employee who establishes by clear and convincing evidence that the actual amount of tips
72 received by him was less than the amount determined by the employer. In such case, the amount paid such
73 employee by his employer shall be deemed to have been increased by such lesser amount. An employer
74 shall not classify an individual as a tipped employee if the individual is prohibited by applicable federal
75 or state law or regulation from soliciting tips.

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